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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,441	09/16/2003	Finn Myhren	063779-5001	9826
9629 7590 04/25/2008 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				
EXAMINER				
BADJO, BARBARA P				
ART UNIT		PAPER NUMBER		
1612				
MAIL DATE		DELIVERY MODE		
04/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/662,441

Applicant(s)

MYHREN ET AL.

Examiner

Barbara P. Badio, Ph.D.

Art Unit

1612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56-66, 68-77, 79-84 and 86-89 is/are pending in the application.
- 4a) Of the above claim(s) 62, 63, 66, 68, 74, 75, 77, 79, 84 and 86 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 56-61, 64, 65, 69-73, 76, 80-83 and 87-89 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Final Office Action on the Merits

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Status of the Application

2. Claims 56-66, 68-77, 79-84 and 86-89 are pending in the present application. Claims 62, 63, 66, 68, 74, 75, 77, 79, 84 and 86 stand withdrawn from further consideration as being drawn to a nonelected invention/species. Claims 56-61, 64, 65, 69-73, 76, 80-83 and 87-89 will be examined according to MPEP § 803.02.

Claim Rejections - 35 USC § 112

3. The rejection of claims 67, 78 and 85 under 35 USC 112, first paragraph, as failing to comply with the written description requirement is made moot by the cancellation of the instant claims.

4. The rejection of claims 56-61, 64, 65, 69-73, 76, 80-83 and 87-89 under 35 USC 112, first paragraph, as failing to comply with the written description requirement is withdrawn.

5. The rejection of claims 67, 78 and 85 under 35 USC 112, first paragraph, scope of enablement is made moot by the cancellation of the instant claims.

6. The rejection of claims 56-61, 64, 65, 69-73, 76, 80-83 and 87-89 under 35 USC 112, first paragraph, scope of enablement is withdrawn.

7. The rejection of claims 67, 78 and 85 under 35 USC 112, second paragraph is made moot by the cancellation of the instant claims.

Claim Rejections - 35 USC § 102

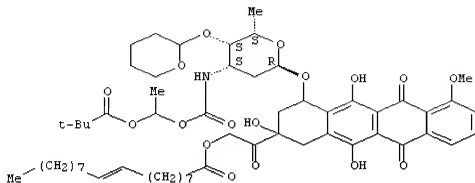
8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 56-61, 64, 65, 69-73, 76, 80-82 and 87-89 are rejected under 35 U.S.C. 102(a) as being anticipated by Udagawa et al. (JP 08217787 A).

Udagawa et al. teaches fat-soluble derivatives of anthracycline glycoside such as



for use as anticancer agents (see the attached English translation; see also Table 1, compound 8). The method of use taught by the reference is encompassed by the instant claims.

10. The rejection of claim 67 under 35 USC 102(b) over Aszalos et al. (Biochemical Pharmacology, 1995) is made moot by the cancellation of the instant claim.

11. The rejection of claims 57-61, 64, 65, 72, 73 and 76 under 35 USC 102(b) over Aszalos et al. (Biochemical Pharmacology, 1995) is withdrawn.

Claim Rejections - 35 USC § 103

12. The rejection of claims 67, 78 and 85 under 35 USC 103(a) over Aszalos et al. (Biochemical Pharmacology, 1995) is made moot by the cancellation of the instant claims.

13. The rejection of claims 56-61, 64, 65, 69-73, 76, 80-83 and 87-89 under 35 USC 103(a) over Aszalos et al. (Biochemical Pharmacology, 1995) is withdrawn.

Conclusion

14. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Telephone Inquiry

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara P. Badio, Ph.D. whose telephone number is 571-272-0609. The examiner can normally be reached on M-F from 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frederick Krass can be reached on 571-272-0580. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Barbara P. Badio, Ph.D./
Primary Examiner, Art Unit 1612